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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,500

07/07/2005

Yasutaka Ogasawara

SON-3141

2009

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01/18/2008

EXAMINER

LI, GUANG W

ART UNIT

PAPER NUMBER

2146

MAIL DATE

DELIVERY MODE

01/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/541,500

Applicant(s)

OGASAWARA ET AL.

Examiner

Guang Li

Art Unit

2146

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/18/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

John H. ...
Supervisory Patent Examiner

Applicant argued that the mere fact the Liden reference discloses

- A) Communication between the devices that actual digital content is sent from a communication device that acts as information providers to other.
- B) Computer users do not register digital content that is to be provided their computer nor do they select from the offered digital content so that it can be sent from one of computer to another of the computer that maybe connected through the network.
- C) Maintaining registration information on more than one piece of digital content available from those of communication devices that are registered as an information provider.
- D) wherein choice window includes information indicative of whether the communication device that information provider can currently provide the offered digital content in real time or communication controls the connection between the communication device that receives the desired piece of offer digital content in real time.
- E) Feature of having choices-window information from which selection is made of desired one of the plurality of pieces of offered digital content by those of the communication devices that are to receive the desired piece of offered digital content.

In response to A, Applicant's argument that the references does not teach communication between the devices that send digital content. Examiner maintain original position state communication between the devices does send the video information (Liden discloses video title) but not the actual content. Applicant stated actual digital content was sent from communication device to another, Actual content was not claimed in the applicant's invention (see Final Rejection Page 3). Digital Content can be interpreted of information relate to the title (Video title) not the actual digital content.

In response to B, Applicant's argument that the references does not teach computer user do not register "digital content" that is to be provide by their computer nor do they select from the offered digital content so that it can be sent from one of computer to another of the computer that maybe connected through the network. Examiner maintain point out the Liden teaches register the item by purchased (video title, music or book title and save in the user profiles in purchase histories and used the similar items as recommendation item recommend to computer user see Response to Argument on Final rejection Page 2 (11/20/2007). When user purchase item on amazon, it will save purchase information about the purchase product (as the product registering). Also Liden's reference disclosed retrieved purchase histories for all customers; generate table mapping and recommend to users (See Fig.3).

In response to C, Applicant's argument that references does not teach maintaining registration information on more than one piece of digital content available from those of communication devices that are registered as an information provider. Examiner point out how the content recommended to users, but fails point out maintain registration. The maintain registration was amended after final rejection it changes the ground rejection from registering information of video/audio content to maintaining registration information on digital content on available from the communication device.

In response to D, Applicant's argument that references does not teach wherein choice window includes information indicative of whether the communication device that information provider can currently provide the offered digital content in real time or communication controls the connection between the communication device that receives the desired piece of offer digital content in real time. Examiner point out the recommended video information are instant provides in real time to user (See Amazon Checkout). For the communication controlling mean controls the connection between the device, the recommendation service components (See Fig.1) control recommendation products to the user. Also no actual digital content was claimed. Angles also provides the advantage when the advertisement provider status is present and can be customized directly to the consumer computer (see Final Rejection Page 8)

In response to E, In response to D, Applicant's argument that references does not teach feature of having choices-window information from which selection is made of desired one of the plurality of pieces of offered digital content by those of the communication devices that are to receive the desired piece of offered digital content. Examiner point out in the when user check out, the recommended information will be shown to the users and when the user selected the recommended music title and audio title will send the selected item to users (see Final Rejection Page 3-4). In addition Liden teaches the recommendation can be automatically generated periodically send recommendation email to user, in case the e-mail listing may contain hyperlinks to the product information page and user able to select the hyperlink to access the product information.